

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6860 of 2021**

Ramkumar Tandon, son of Tesram Tandon, aged 28 years, resident of village Kosir, Taluka Sarangarh, District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Kosir, District Raigarh (C.G.)

----Non-applicant

For Applicant : Mr. Rajendra Kumar Patel, Advocate.
For Non-applicant : Mr. Sudhir Kumar Sahu, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29.10.2021**

(1) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 146/2021 registered at police Station Kosir, District - Raigarh for commission of offence punishable under Section 376 of the Indian Penal Code, Section 4 of The Protection of Children from Sexual Offences Act, 2012 (henceforth "POCSO" Act).

(2) Case of the prosecution, in brief, is that on 4.7.2021 at about 2 pm applicant taken the minor prosecutrix/victim to his house by dragging her and there he disrobed her and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences. On the basis of written report filed by victim/prosecutrix, FIR under Section 376 of IPC and Section 4 of the POCSO Act has been registered. After completion of investigation, charge sheet under Sections 368 & 376 of the IPC and Section 4 of the POCSO Act was filed.

(3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the crime in question as he has not committed the alleged crime. He would further submit that applicant has been arrested on 05.07.2021; charge sheet has already been filed and the trial is likely to take long time for its final disposal. He would also submit that as applicant is permanent resident of District Raigarh, therefore, there is no chance of tempering the witnesses or absconding of accused. Hence, he may be enlarged on regular bail.

(4) On the contrary, learned counsel for the State would submit that it is a case of rape with the minor prosecutrix, hence, considering the grievousness of the crime, applicant is not entitled to be released on regular bail.

(5) Victim/prosecutrix and her mother were appeared before this Court on 18.10.2021 and they strongly objected the bail application filed by the applicant. They also stated that mother of applicant has threatened them.

(6) I have learned counsel appearing for the parties and perused the case diary as well as statements of the prosecutrix and her mother made before this Court.

(7) Looking to the nature & gravity of the offence, and the manner in which the forcefully rape by dragging the minor prosecutrix is said to have been committed by the applicant; I am not inclined to grant regular bail to the applicant. Thus, the bail application under Section 439 of the Cr.P.C. filed by the applicant is hereby rejected.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

